

Jeopardy Assessment
for the Proposed Incidental Taking Authorization
of the Butler's Garter Snake

La Bella Vita Condominium Project
City of Pewaukee, Waukesha County, Wisconsin

Background

The state-threatened Butler's garter snake is the smallest of the five Wisconsin garter snake species. Both sexes of this species reach maturity during their second full year and females deliver 4-19 live-born young in mid to late summer. This species requires a moderately open to open canopy habitat, preferably with both upland and wetland habitat. Butler's naturally hibernate in open-canopy wetlands (sedge meadows, fringes of cattail marshes, etc.) but are also known to occupy sites that provide other means for successful overwintering (i.e. old landfills where conditions provide access below the frostline and where adequate moisture exists).

The Butler's garter snake is a colonial species that is restricted to several southeastern counties in Wisconsin. There are currently 30 locations where this species has been documented from 1973 to present. Twenty-five of these records have been documented since 1990. Most sites that have been moderately to heavily surveyed for Butler's show a healthy age-class structure, indicating that regular recruitment is occurring on those sites. Surveys and monitoring since its listing in 1997 reveal that Butler's often occur in very large numbers on relatively small sites (i.e. 400+ snakes detected on a 20-acre site with less than 50% suitable [open canopy] habitat). Three intensive survey/monitoring efforts associated with mitigation for incidental take to date have involved large numbers of Butler's garter snakes (over 1200 Butler's on three isolated sites along Lincoln Creek within the City of Milwaukee). Surveys have also demonstrated that Butler's can occur, sometimes in high numbers, on highly disturbed and degraded sites. One example is the location of 62 Butler's during one survey of a brownfield site in the industrial heart of Milwaukee. Most of the snakes were found under pieces of broken concrete in a large, abandoned, gravel parking lot that was adjacent to a small wetland.

In Summary, the Butler's garter snake is a fast-maturing species with potentially high annual recruitment. It can sustain populations on highly disturbed sites if the disturbance factors are eliminated and suitable wetlands are present on or adjacent to these sites. Since 1997, most sites where Butler's were suspected to occur, based on proximity to known range and habitat and which were subsequently surveyed, verified their presence.

Jeopardy Assessment

The proposed La Bella Vita Condominium project will be constructed in suitable Butler's gartersnake habitat that is part of a significant conservation (Tier 3) site. This project has the potential to cause incidental take of the Butler's gartersnake, although a significant snake removal effort is currently underway to minimize take of the snake at this location. An approved conservation plan for the project will exceed the mitigation requirement to assure no net loss of suitable habitat as required in the Butler's Gartersnake Conservation Strategy. The following conditions must be met in order for the pending Incidental Take Authorization (ITA) to be issued. The conditions that have yet to be initiated or completed at the time the ITA is issued must be fully implemented for the ITA to remain effective.

Required Conditions:

1. The suitable habitat site will not diminish in area.
2. The suitable habitat being permanently lost in the construction area must be:
 - a. restored to good quality habitat at a 1 to 1 ratio in habitat that is not currently suitable habitat.
 - and
 - b. enhanced to good quality habitat at a 2-1 ratio where suitable habitat is currently of poor quality.
3. The suitable habitat that will be temporarily disturbed in the construction area must be restored to good quality habitat per the conservation strategy.
4. Restore the portions of the 75-foot upland buffer that are identified in the conservation plan. The balance of the 75-foot buffer habitat area is to be mitigated for per 2 a. and b. above.
5. Protect all suitable habitats on the constructions site that remains or is restored to suitable habitat following construction AND protect all habitat out side the project area that is used to mitigate the permanent habitat loss on the construction site AND any areas where the 75-foot buffer is restored per the conservation strategy. These areas must be protected through a conservation easement with the department or a department-approved land trust and Waukesha County.
6. Annual management of all suitable habitat held by the conservation easement is required per the conservation strategy such that it remain as good quality habitat as defined by the conservation strategy.

The department has determined that the proposed project is not likely to jeopardize the continued existence or recovery of the state population of these snakes or the whole plant-animal community of which they are a part if the conservation plan is strictly adhered to.